

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE PENNSYLVANIA TRUST	:	
COMPANY, Guardian of the Estate	:	CIVIL ACTION
of Ethan Waltman, a Minor,	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DOREL JUVENILE GROUP, INC.,	:	No. 07-4029
Defendant.	:	

ORDER

AND NOW, this 18th day of **July, 2011**, upon consideration of Defendant's Motion for Sanctions Due to Spoliation, Plaintiff's Response thereto, the parties supplemental briefing thereon, following oral argument with counsel for the parties on June 27, 2011, and for the reasons stated in this Court's Memorandum dated July 18, 2011, it is hereby **ORDERED** that the Motion (Document No. 150) is **GRANTED in part and DENIED in part**, as follows:

1. Defendant's Motion is **GRANTED** insofar as the Court shall impose the following spoliation sanctions:
 - a. Benjamin Waltman and Kimberly Waltman shall not offer any testimony identifying the Grand Explorer booster seat as being used by Ethan Waltman on March 4, 2006.
 - b. The Court will instruct the jury that it may draw an adverse inference from Plaintiff's destruction of evidence with respect to the issues of product identification and seatbelt tension.

2. Defendant's Motion is **DENIED** insofar as the Court declines to instruct the jury to find a specific seatbelt tension at the time of the crash.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', written over a horizontal line.

Berle M. Schiller, J.